FEDERAL REGISTER

VOLUME 23 NUMBER 17

Washington, Friday, January 24, 1958

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE INTERIOR

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (12) of § 6.110 is amended as set out below.

§ 6.110 *Department of the Interior*—(a) *General.* * * *

(12) Three Staff Assistants, President's Council on Youth Fitness.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-557; Filed, Jan. 23, 1958; 8:48 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF DEFENSE

Effective upon publication in the FEDERAL REGISTER, subparagraphs (2), (6), (9), and (12) of paragraph (a) of § 6.304 are amended as set out below.

§ 6.304 *Department of Defense*—(a) *Office of the Secretary.* * * *

(2) Two Confidential Assistants (Private Secretaries) to the Deputy Secretary of Defense and one Confidential Assistant (Private Secretary) to each of the following: The Assistant Secretary of Defense, Manpower, Personnel and Reserve; the Assistant Secretary of Defense, International Security Affairs; the Chairman of the Joint Chiefs of Staff; the Assistant Secretary of Defense, Research and Engineering; the Defense Liaison Officer to the White House; the Assistant Secretary of Defense, Public Affairs; the Assistant Secretary of Defense, Properties and Installations; the Assistant Secretary of Defense, Health and Medical; the Assistant Secretary of Defense, Supply and Logistics; the General Counsel; the U. S. Military Representative, NATO Standing Group; and the Assistant to the Secretary of Defense, Atomic Energy.

* * * * *

(6) One Special and Confidential Assistant to the Assistant Secretary of Defense, Public Affairs.

* * * * *

(9) One Deputy Assistant Secretary, Office of the Assistant Secretary of Defense for Public Affairs.

* * * * *

(12) One Special Assistant to the Assistant Secretary of Defense for Public Affairs.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 58-556; Filed, Jan. 23, 1958; 8:48 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter B—Food and Food Products

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF TOXAPHENE

A petition was filed with the Food and Drug Administration requesting the establishment of tolerances for residues of toxaphene in or on certain grains from preharvest application.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

Data in the petition show that use of these grains carrying no more than 5 parts per million of toxaphene residue in feeding dairy animals will not result in the appearance of toxaphene in milk. After consideration of this and other data submitted in the petition and other relevant material which show that the

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FEDERAL REGISTER

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tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120; 22 F. R. 4619) are amended by changing § 120.138 to read to follows:

§ 120.138 *Tolerances for residues of toxaphene.* Tolerances are established for residues of toxaphene (chlorinated camphene containing 67 percent–69 percent chlorine) in or on raw agricultural commodities from preharvest or preslaughter application as follows:

(a) 7 parts per million in or on cranberries; fat of meat from cattle, goats, and sheep; hazelnuts; hickory nuts; horseradish; parsnips; pecans; peppers; pimentos; rutabagas; walnuts.

(b) 5 parts per million in or on barley, oats, rice, rye, wheat.

NOTE: In F. R. Doc. 58-176, published on pages 164 and 165 of the FEDERAL REGISTER of January 9, 1958, the section number is corrected to read "§ 120.162".

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: January 20, 1958.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 58-550; Filed, Jan. 23, 1958; 8:46 a. m.]

Subchapter C—Drugs

PART 130—NEW DRUGS

PAMABROM PREPARATIONS EXEMPTED FROM PRESCRIPTION-DISPENSING REQUIREMENTS

There was published in the FEDERAL REGISTER of June 11, 1957 (22 F. R. 4103), notice of a proposed amendment to § 130.102 (a) (21 CFR, 1956 Supp., 130.102 (a)). After due consideration of the comments filed with respect to the proposed amendment within the 30-day period stipulated in the above-referenced notice, the amendment set out below is hereby ordered, effective 30 days from the date of its publication in the FEDERAL REGISTER, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 503, 505, 701; 65 Stat. 649, 52 Stat. 1052, 1055, as amended; 21 U. S. C. 353, 355, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR, 1956 Supp., 130.101 (b)).

In § 130.102 *Exemption for certain drugs limited by new-drug applications to prescription sale,* paragraph (a) is amended by adding the following new subparagraph (21):

(21) Pamabrom (2-amino-2-methylpropanol - 1 - 8 - bromotheophyllinate) preparations meeting all the following conditions:

(i) The pamabrom is prepared with appropriate amounts of a suitable analgesic and with or without other drugs, in tablet or other dosage form suitable for oral use in self-medication, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The pamabrom and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains not more than 50 milligrams of pamabrom per dosage unit.

(v) The preparation is labeled with adequate directions for use in the temporary relief of the minor pains and discomforts that may occur a few days before and during the menstrual period.

(vi) The dosages recommended or suggested in the labeling do not exceed 50 milligrams of pamabrom per dose or 200 milligrams per 24-hour period.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies secs. 503, 505, 52 Stat. 1052, 65 Stat. 649; 21 U. S. C. 353, 355)

Dated: January 20, 1958.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 58-552; Filed, Jan. 23, 1958; 8:47 a. m.]

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PENICILLIN-STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) ERYTHROMYCIN OINTMENT; MISCELLANEOUS AMENDMENTS

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), the regulations for tests and methods of assay and certification of penicillin and penicillin-containing drugs (21 CFR Parts 141a, 146a; 21 CFR, 1956 Supp., 146a.111; 22 F. R. 3110, 3330) are amended as set forth below:

1. Part 141a is amended by adding thereto the following new section:

§ 141a.95 *Penicillin-streptomycin-erythromycin ointment; penicillin-dihydrostreptomycin-erythromycin ointment*—(a) *Potency*—(1) *Penicillin content.* Obtain the weight of the content of a syringe by weighing before and after ejecting the content into a beaker. Stir until homogeneous. Remove a representative sample (usually approximately 1.0 gram, accurately weighed) and place in a separatory funnel containing 50 milliliters of peroxide-free ether. Add 20 milliliters of 0.1 *M* potassium phosphate buffer (pH 8.0) and shake. Remove the buffer layer and repeat the extraction with three additional 20-milliliter portions of the buffer. Place the buffer solution in a second separatory funnel and wash with three 30-milliliter portions of ether. Discard the ether washes. Remove an aliquot of the buffer solution and proceed as directed in § 141a.1, except § 141a.1 (d) and (i). If the iodometric chemical assay is used, proceed as directed in § 141a.5 (d) (1), except prepare the sample as directed in § 141a.35 (a) (1). Its content of penicillin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(2) *Streptomycin content.* Using an aliquot of the buffer solution prepared as directed in subparagraph (1) of this paragraph, proceed as directed in § 141b.101 (a) through (i) of this chapter, except add sufficient penicillinase to completely inactivate the penicillin present. Its content of streptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(3) *Dihydrostreptomycin content.* Proceed as directed in subparagraph (2) of this paragraph, using the dihydrostreptomycin working standard as the standard of comparison. Its conent of dihydrostreptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(4) *Erythromycin content.* Proceed as directed in § 141b.126 (a) (1) (ii) of this chapter, except prepare the sample as follows: Place a representative sample (usually approximately 1.0 gram, accurately weighed) in a glass blending jar containing 100 milliliters of polyethylene glycol 400. Using a high-speed blender, blend for 2 minutes and filter through a cotton plug or filter paper. Prepare an intermediate dilution by diluting an aliquot of the filtrate with 0.1*M* potassium phosphate buffer (pH 8.0), and add sufficient penicillinase to inactivate the penicillin. Then further dilute with buffer to give an erythromycin content of 1.0 μg. per milliliter (estimated). Its content of erythromycin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.7 (c).

2. Part 146a is amended by adding the following new section:

§ 146a.23 *Penicillin-streptomycin-erythromycin ointment; penicillin-dihydrostreptomycin-erythromycin ointment.* Penicillin - streptomycin - erythromycin ointment and penicillin-dihydrostreptomycin-erythromycin ointment conform to all requirements and are subject to all procedures prescribed by § 146a.54 for penicillin-streptomycin ointment and penicillin-dihydrostreptomycin ointment, except that:

(a) They contain not less than 8.0 milligrams of erythromycin per gram. The erythromycin used conforms to the standards prescribed by § 146b.121 (a) of this chapter.

(b) In addition to complying with the requirements of § 146a.54 (b), each package shall bear on the outside wrapper or container and the immediate container the number of milligrams of erythromycin in each gram of the batch.

(c) In addition to complying with the requirements of § 146a.54 (c), a person who requests certification of a batch shall submit with his request a statement showing the number of milligrams of erythromycin in each gram of the batch, the batch mark, and (unless they were previously submitted) the results and the date of the latest tests and assays of the erythromycin used in making the batch for potency, toxicity, moisture, pH, and color-identity test. He shall also submit in connection with his request a sample consisting of not less than 7 immediate containers of the batch and (unless it was previously submitted) a sample consisting of 5 packages containing approximately equal portions of not less than 0.5 gram each of the erythromycin used in making the batch.

(d) The fees for the services rendered with respect to the samples submitted in accordance with paragraph (c) of this section shall be:

(1) $6.00 for each immediate container of the ointment;

(2) $4.00 for each immediate container of erythromycin used in making the ointment.

3. Section 146a.111 *Procaine penicillin-neomycin-polymyxin in oil* * * * is amended by providing for inclusion in these drugs of a suitable salt of cobalt and one or more suitable sulfonamides as optional ingredients. After making the necessary changes to effect these amendments, § 146a.111 will read as set forth below, and the text formerly contained in § 146a.111 is hereby revoked.

§ 146a.111 *Procaine penicillin-neomycin-polymyxin in oil; procaine penicillin-neomycin-polymyxin ointment*—(a) *Standards of identity, strength, quality, and purity.* Procaine penicillin-neomycin-polymyxin in oil is a suspension of procaine penicillin, neomycin, and polymyxin in refined peanut oil or sesame oil, with or without the addition of one or more suitable and harmless dispersing and suspending agents: Procaine penicillin-neomycin-polymyxin ointment is procaine penicillin, neomycin, and polymyxin in a suitable and harmless ointment base. Each of the drugs may contain a suitable anesthetic, a suitable and harmless preservative, a suitable and harmless salt of cobalt, one or more suitable sulfonamides, and cortisone or a suitable derivative of cortisone. The moisture content of each drug is not more than 1.0 percent. Each drug contains not less than 25,000 units of procaine penicillin, not less than 17.5 milligrams of neomycin, and not less than 5,000 units of polymyxin per milliliter or per gram, except that if the drug is intended for use by udder instillation, each single dose as recommended in its labeling contains not more than 100,000 units of penicillin. The procaine penicillin used conforms to the requirements of § 146a.44 (a), except § 146a.44 (a) (2) and (3). The neomycin used conforms to the requirements of § 146e.410 (a) (2) of this chapter. The polymyxin used conforms to the requirements of § 146b.107 (a) of this chapter. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging; labeling; request for certification, samples; fees.* Each drug conforms to all requirements and procedures prescribed for penicillin ointment by § 146a.26 (b) (except that procaine penicillin-neomycin-polymyxin in oil may be packaged in plastic tubes), (c), (d), and (e), except that:

(1) In lieu of the labeling prescribed for penicillin ointment by § 146a.26 (c) (1) (ii), each package shall bear on the outside wrapper or container and the immediate container:

(i) The number of units of procaine penicillin, the number of milligrams of neomycin, and the number of units of polymyxin per milliliter, per gram, or per single-dose container.

(ii) If they contain one or more of the active ingredients specified in paragraph (a) of this section, the name and quantity of each.

(iii) If they contain one or more of the active ingredients specified in paragraph (a) of this section, after the name "procaine penicillin - neomycin - polymyxin in oil" or "procaine penicillin-neomycin-polymyxin ointment," wherever it appears, the words "with _____," the blank being filled in with the common or usual name of each such other ingredient, in juxtaposition with such name.

(2) In addition to complying with the requirements of § 146a.26 (d), a person who requests certification of a batch shall submit with his request a statement showing the batch marks and (unless they were previously submitted) the results and the dates of the latest tests and assays of the neomycin (for potency, toxicity, moisture, and pH) and polymyxin (for potency and toxicity) used in making the batch; the number of units of penicillin; the number of milligrams of neomycin; and the number of units of polymyxin per milliliter or per gram. He shall also submit in connection with his request a sample consisting of not less than 7 immediate containers of the batch and (unless they were previously submitted) samples consisting of 5 packages each of the neomycin and polymyxin used in making the batch, each package containing approximately equal portions of not less than 0.5 gram.

(3) The fees for the services rendered with respect to the samples submitted in accordance with the requirements of subparagraph (2) of this paragraph shall be:

(i) $6.00 for each immediate container of the batch.

(ii) $4.00 for each immediate container in the samples of neomycin and polymyxin used in making the batch.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay these amendments.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 701; 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 468, as amended; 21 U. S. C. 357)

Dated: January 20, 1958.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 58-551; Filed, Jan. 23, 1958; 8:47 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 50-1]

PART 50—AIRMAN AGENCY CERTIFICATES

DELETION OF HANGAR FACILITIES REQUIREMENT

Correction

In Federal Register Document 58-370, published at page 294 in the issue for January 16, 1958, the effective date should read: "February 15, 1958."

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 52]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

Correction

In Federal Register Document 58-129, published at page 177 in the issue for January 10, 1958, the ILS procedure for Wilmington, Del. (top of page 183), is changed as follows: Under the headnote "Condition" the entry "A-dn-4:" should read "A-dn:".

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

Subchapter N—Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels

[CGFR 58-1]

PART 146—TRANSPORTATION OR STOWAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

MISCELLANEOUS AMENDMENTS

The purpose of the amendments in this document is to correct and to clarify certain dangerous cargo requirements with respect to "charcoal" and "charcoal, activated" contained in Coast Guard Documents CGFR 57-33, Federal Register Document 57-8389, which was published in the FEDERAL REGISTER dated October 29, 1957 (22 F. R. 8559-8723), and CGFR 57-49, Federal Register Document 57-10352, which was published in the FEDERAL REGISTER dated December 14, 1957 (22 F. R. 10059-10063). In the miscellaneous amendments published October 29, 1957, the requirements for "charcoal" were inadvertently revised to permit "charcoal" shipped in accordance with these regulations to be exempt from specification packaging, marking other than name of contents, and labeling requirements. In the miscellaneous amendments published December 14, 1957, the requirements for "charcoal activated, carbon activated" were deleted when they should have been revised by deleting only the requirements regarding "carbon activated." The amendments in this document reinstate the requirements for "charcoal, activated."

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F. R. 6521), 167-14, dated November 26, 1954 (19 F. R. 8026), and CGFR 56-28, dated July 24, 1956 (21 F. R. 5659), to promulgate regulations in accordance with the statutes cited with the regulations below, the following corrections and amendments are prescribed:

1. Under "Subpart—Detailed Regulations Governing Inflammable Solids and Oxidizing Materials" § 146.22-100 (22 F. R. 8629) is corrected by deleting the second undesignated paragraph under "charcoal" in column 1, *Descriptive name of article.*

2. Under "Subpart—List of Explosives or Other Dangerous Articles Containing the Shipping Name or Description or Articles Subject to the Regulations, in This Subchapter," § 146.04–5 (22 F. R. 10059) is corrected by inserting "* Charcoal, Activated" in column 1; "Inf. S," in column 2; and "Yellow" in column 3.

3. Under "Subpart—Detailed Regulations Governing Inflammable Solids and Oxidizing Materials," § 146.22–100 (22 F. R. 10061) is corrected by revising paragraph d so that only the requirements pertaining to "carbon activated" are deleted. The requirements for "charcoal, activated" are reinstated and read as follows:

i. In column 1, *Descriptive name of article,* insert:

Charcoal, activated.

ii. In column 2, *Characteristic properties, cautions, marking required,* insert:

A more or less pure powdered, or granulated form of charcoal, characterized by high absorptive capacity.
Outside containers shall be marked "Charcoal, activated."

iii. In column 3, *Label required,* insert:

No label required.

iv. In column 4, *Required conditions for transportation—Cargo vessel,* insert:

Stowage:
"On deck protected."
"On deck under cover."
"Tween decks readily accessible."
"Under deck away from heat."
Outside containers:
Tight wooden barrels or kegs, tight wooden boxes, fiberboard boxes, not more than 4 bu. cap.
Wooden barrels or kegs, WIC, wooden boxes, WIC, not over 200 lb. gr. wt.
Fiberboard boxes WIC, not over 65 lb. gr. wt.
Siftproof paper bags or paperlined burlap (jute) bags, not more than 2½ bu. cap.

v. In column 5, *Required conditions for transportation—Passenger vessel,* insert:

Not permitted.

vi. In column 6, *Required conditions for transportation—Ferry vessel, passenger or vehicle,* insert:

Ferry stowage (AA).
Outside containers:
Tight wooden barrels or kegs, tight wooden boxes, fiberboard boxes, not more than 4 bu. cap.
Wooden barrels or kegs, WIC, wooden boxes WIC, not over 200 lb. gr. wt.
Fiberboard boxes WIC, not over 65 lb. gr. wt.
Siftproof paper bags or paperlined burlap (jute) bags not more than 2½ bu. cap.

vii. In column 7, *Required conditions for transportation—R. R. car ferry, passenger or vehicle,* insert:

Ferry stowage (BB).
Outside containers:
Tight wooden barrels or kegs, tight wooden boxes, fiberboard boxes, not more than 4 bu. cap.
Wooden barrels or kegs, WIC, wooden boxes WIC, not over 200 lb. gr. wt.
Fiberboard boxes WIC, not over 65 lb. gr. wt.
Siftproof paper bags or paper lined burlap (jute) bags, not more than 2½ bu. cap.

(R. S. 4405, as amended, 4462, as amended, 4472, as amended; 46 U. S. C. 375, 416, 170. Interpret or apply sec. 3, 63 Stat. 675, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

Dated: January 18, 1958.

[SEAL] A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 58–554; Filed, Jan. 23, 1958; 8:48 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket 12232]

[Rules Amdts. 2–12, 14–1; FCC 58–38]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 14—PUBLIC FIXED STATIONS AND STATIONS OF THE MARITIME SERVICES IN ALASKA

MISCELLANEOUS AMENDMENTS

In the matter of amendment of Parts 2 and 14 of the Commission's rules to delete footnote NG36 and § 14.209, respectively.

1. At a session of the Federal Communications Commission, held at its offices in Washington, D. C. on the 17th day of January 1958;

2. The Commission having under consideration its proposal in the above entitled matter; and

3. It appearing that in accordance with the requirements of section 4 (a) of the Administrative Procedure Act, notice of proposed rule making in this matter which made provision for the submission of written comments by interested parties, was duly published in the FEDERAL REGISTER on November 5, 1957 (22 F. R. 8879) and that the period for the filing of comments has now expired; and

4. It further appearing that no comments were filed with the Commission in response to its notice of proposed rule making in this proceeding; and

5. It further appearing that the public interest, convenience, and necessity will be served by the amendments herein ordered, the authority for which is contained in section 303 (c), (f) and (r) of the Communications Act of 1934, as amended;

6. *It is ordered,* That effective February 21, 1958, footnote NG36 to § 2.104 (a) (5), now applicable to the band 200-285 kc, and § 14.209 are deleted from Parts 2 and 14, respectively, of the Commission's rules.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: January 20, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58–558; Filed, Jan. 23, 1958; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 927]

[Docket No. AO–71–A34]

MILK IN NEW YORK-NEW JERSEY MILK MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Utica Hotel, Utica, New York, beginning at 10:00 a. m., on February 3, 1958, and at the Hotel Robert Treat, Newark, New Jersey, beginning at 10:00 a. m., on February 5, 1958, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the New York-New Jersey milk marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Dairymen's League Cooperative Association, Inc.; Metropolitan Cooperative Milk Producers Bargaining Agency, Inc.; and Mutual Federation of Independent Cooperatives, Inc.:

Proposal No. 1: Amend § 927.29 (d) so as to provide that a plant distributing packaged goods to stores or consumers in the marketing area, selling less than 25 percent of its receipts from producers in the marketing area either in packages or bulk or both, and having at least 55 percent of its receipts in Classes I–A and I–B shall be a pool plant unless it exercises the option at the time of filing its report to be a nonpool plant.

Proposal No. 2: Eliminate the proviso in § 927.29 (d).

Proposal No. 3: Amend §.927.65 (h) (3) to read as follows:

(3) All milk received at handler's plant from his own farm in the event that no milk is received at such plant from any other source and that such farm has only one milking herd, is operated as a single dairy farm business unit and whose owner, whether individual, partner or

stockholder, has no other interest in the milk business.

Proposal No. 4: Amend § 927.71 (b) (5) by changing "111–120 mile zone" to "131–140 mile zone."

Proposed by Eastern Milk Producers Cooperative Association, Inc.:

Proposal No. 5: Revise § 927.65 (h) (2) and (3) and complimentary sections to alleviate instability caused by competition between fully regulated, partially regulated and unregulated handlers.

Proposal No. 6: (Same as Proposal No. 1.)

Proposal No. 7: Add at the end of § 927.29 (d) the following language: "Except that such plant may be qualified as a pool plant pursuant to this section in cases where such other order does not require the plant to participate in a marketwide equalization pool."

Proposed by The Rider Dairy Company:

Proposal No. 8: Amend § 927.35 (a) (1) to provide that the handler operating the nonpool plant may expect not to assign milk received at the plant directly from dairy farmers to Class I–A milk at the plant if he receives at such nonpool plant a quantity of milk from pool plants which equals or exceeds the quantity of Class I–A milk distributed from the nonpool plant.

Proposed by the Milk Dealers Association of Metropolitan New York, Inc., and Sealtest Sheffield Farms:

Proposal No. 9: Amend § 927.44 in the following respects:

§ 927.44 *Fluid skim differential.* For skim milk derived from Class II or Class III milk which skim milk enters the marketing area in the form of milk, fluid skim milk, condensed skim milk, half and half, cream or cultured milk drinks and is there utilized or disposed of in the form of milk, fluid skim milk leaving the plant in the form of skim milk in consumer packages or dispenser units, half and half or cultured milk drinks containing 3.0 percent or more but not more than 5.0 percent of butterfat and for all other skim milk derived from Class II or Class III milk which is not established to have been otherwise utilized or disposed of, the handler shall pay a fluid skim differential * * *

Proposal No. 10: (Same as Proposal No. 4.)

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 11: (a) Amend § 927.50 by changing the time of filing reports specified therein from on or before the 10th day of each month to on or before the 9th day of each month; (b) amend § 927.67 by changing the time of the announcements specified therein from not later than the 14th day of each month to not later than the 15th day of each month; and (c) change to one day later than now specified (in §§ 927.77 and 927.78) the dates for making payments into and out of the producer settlement-fund.

Proposal No. 12: Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Notice is hereby given of opportunity to present evidence (in addition to that relating to the above specifically listed proposals) relating to the following:

1. Provisions of § 927.65 (h) (2) with reference both to amount of the exemption (800 pounds per day) for milk received from a handler's own farm and to the conditions under which a handler is eligible for the specified exemption, and

2. Provisions of § 927.35 (a) (5) under which milk received at the plant of another handler from the plant of a handler qualifying for exemptions pursuant to § 927.65 (h) (2) or (3) is considered to be a receipt of nonpool milk.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 205 East 42d Street, New York 17, New York, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington, 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 21st day of January 1958.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

[F. R. Doc. 58–549; Filed, Jan. 23, 1958; 8:46 a. m.]

[7 CFR Part 954]

[Docket No. AO–153–A7]

MILK IN DULUTH-SUPERIOR MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in Court Room No. 3, Federal Building, Duluth, Minnesota, beginning at 10:00 a. m., c. s. t. on February 25, 1958, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Duluth-Superior marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposal relative to a redefinition of the marketing area raises the issue whether the provisions of the present order would tend to effectuate the declared policy of the act, if they are applied to the marketing area as proposed to be redefined and, if not, what modifications of the provisions of the order would be appropriate.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Arrowhead Cooperative Creamery Association:

Proposal No. 1:

DEFINITIONS

§ 954.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 954.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 954.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified in this part.

§ 954.4 *Duluth-Superior marketing area.* "Duluth-Superior marketing area", hereinafter called "marketing area" means the counties of St. Louis, Carlton and Lake and the municipalities of International Falls, Bovey, Calumet, Coleraine, Deer River, Grand Rapids, Keewatin, Marble, Nashwauk, Pengilly, Taconite, in Minnesota; and the counties of Douglas, Bayfield, Ashland and Iron, in Wisconsin.

§ 954.5 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 954.6 *Market Administrator.* "Market Administrator" means the agency designated in § 954.20 for the administration of this part.

§ 954.7 *Plant.* "Plant" means the entire land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, maintained and operated at the same location primarily for the receiving, processing or other handling of milk or milk products. This definition shall not include any building, premises, facilities, or equipment used primarily (a) to hold or store bottled milk or milk products in finished form in transit for wholesale or retail distribution on a route(s), or (b) to transfer milk from one conveyance to another in transit from farm to plant of first receipt.

§ 954.8 *Pool plant.* "Pool plant" means any plant meeting the conditions of paragraph (a) or (b) of this section, except a plant exempt pursuant to § 954.61 and the plant of a producer-handler:

(a) A plant in which milk is processed or packaged and from which not less than 20 percent of its total disposition of Class I milk during the month is made within the marketing area on a route(s): *Provided,* That the total quantity of Class I milk disposed of from such plant during the month either inside or outside the marketing area, is equal to 50 percent or more of such plant's total receipts of skim milk and butterfat eligible for sale in fluid form as Grade A milk within the marketing area; or

(b) Any plant from which during any month 50 percent or more of such plant's total receipts for such month from farms

of skim milk or butterfat eligible for sale in fluid form as Grade A milk within the marketing area is delivered to a plant(s) which has qualified pursuant to paragraph (a) of this section: *Provided,* That if during each of the months of October through December, 40 percent or more of such plant's receipts of skim milk or butterfat for such month as described above is delivered as provided in this paragraph, it shall be a pool plant through the following September.

§ 954.9 *Nonpool plant.* "Nonpool plant" means any plant other than a pool plant.

§ 954.10 *Producer.* "Producer means any person, except a producer-handler, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority for sale in fluid form as Grade A milk within the marketing area, and which milk is received during the month direct from the farm at a pool plant: *Provided,* That the milk of any producer thereafter diverted by a handler from a pool plant to a nonpool plant for his account during the months of May through July, and any milk so diverted during the first 10 of the days on which the handler diverted such producer's milk in any other month shall be deemed to have been received at a pool plant from which diverted: *And provided further,* That if such person did not dispose of milk to a pool plant during the entire month immediately preceding, such person shall be known as a "new producer" for a period beginning with the date of his first delivery and including two full calendar months following such first delivery to a pool plant, after which he shall be designated a "producer". The provisions relating to diverted milk shall be deemed to include "new producers".

§ 954.11 *Producer milk.* "Producer milk" means only that skim milk or butterfat contained in milk (a) received at a plant directly from producers (and new producers) or (b) diverted from a pool plant to a nonpool plant (except a nonpool plant which is fully subject to the pricing provisions of another order issued pursuant to the act) in accordance with the provisions of § 954.10.

§ 954.12 *Handler.* "Handler" means (a) any person in his capacity as the operator of a pool plant(s); (b) any person in his capacity as the operator of a plant from which milk, eligible for sale in the marketing area as Grade A milk, is disposed of during the month as Class I milk within the marketing area on a route(s); (c) a cooperative association with respect to its members' milk which is diverted for the account of such association from a pool plant to a nonpool plant in accordance with the provisions of § 954.10 or with respect to bulk milk of its members which is delivered to a pool plant.

§ 954.13 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by such associations, is qualified under the provisions of the act of Congress of February 13, 1922, as amended, known as the "Capper-Volstead Act".

§ 954.14 *Producer-handler.* "Producer-handler" means any handler under § 954.12 (b) who produces milk eligible for sale in fluid form as Grade A milk within the marketing area and is a handler, but who receives no milk directly from farms of other producers or other source milk: *Provided,* That the maintenance, care and management of the milk cows and other resources necessary to produce such milk and the processing, packaging or distribution of such milk are the personal enterprise and the personal risk of such person.

§ 954.15 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except (1) fluid milk products received from pool plants or (2) producer milk, and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

MARKET ADMINISTRATOR

§ 954.20 *Designation.* The agency for the administration of this part shall be a market administrator who shall be a person selected by the Secretary, who shall be entitled to such reasonable compensation as may be determined by and shall be subject to removal at the discretion of the Secretary.

§ 954.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 954.22 *Duties.* The market administrator, in addition to the duties hereinafter described, shall:

(a) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Keep such books and records as will clearly reflect the transactions provided for in this part;

(c) Submit his books and records to examination by the Secretary at any and all times;

(d) Furnish such information and varified reports as the Secretary may request;

(e) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(f) Publicly disclose, after reasonable notice, the name of any person who has not made reports pursuant to §§ 954.30 to 954.33, or made payments pursuant to § 954.80;

(g) Prepare and disseminate for the benefit of producers, new producers, consumers, and handlers such statistics and information concerning the operation hereof as do not reveal confidential information;

(h) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this part;

(i) Pay, out of the fund received pursuant to § 954.88, the cost of his bond and the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 954.87) necessarily incurred by him for the maintenance and functioning of his office and in the performance of his duties;

(j) Verify each handler's reports and payments by audit of the records of such handler or any other handler or person to whom skim milk and butterfat are transferred, or by any other appropriate means; and

(k) On or before the date specified publicly announce and mail to each handler at his last known address a notice of the following: (1) The last day of each month, the Class I milk price and the Class I butterfat differential; and the Class II milk price and the Class II butterfat differential to be effective for the following month and (2) the 12th day of each month, the uniform price and the producer butterfat differential both for the preceding month.

REPORTS AND RECORDS

§ 954.30 *Reports of sources and utilization.* On or before the 10th of the month each handler (except a producer-handler) shall report for each of his plants for such month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in

(1) Producer milk, milk of new producers separately.

(2) Milk and milk products received from other pool plants,

(3) Other source milk,

(4) Inventories of Class I milk items on hand at the beginning of the months, and

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section, including a separate statement as to the amount of Class I milk disposed of on wholesale or retail routes (other than to plants) entirely outside the marketing area.

§ 954.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(1) On or before the 25th day after the end of the month, his producer payroll for such month for each of his pool plants which shall show for each producer and new producer (i) his name and address, (ii) the total pounds of milk received from such producer or new pro-

ducer, (iii) the average butterfat content of such milk, (iv) the days for which milk was received from such producer or new producer if less than the entire month, and (v) the net amount of such handler's payment to such producer or new producer together with the gross price per hundredweight paid and the amount and nature of any deductions.

(2) On or before the first day other source milk is received during the month in the form of a Class I milk item at his pool plant(s) his intention to receive such product, and on or before the last day such items is received his intention to discontinue its receipt.

(3) Such other information with respect to his sources and utilization of butterfat and skim milk as the market administrator may prescribe.

§ 954.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data for each month with respect to:

(a) The receipts and utilization of all skim milk and butterfat handled in any form,

(b) The weights and tests for butterfat and other content, of all other skim milk or butterfat handled,

(c) Payments to producers and cooperative associations, and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream and each milk product on hand at the beginning and end of each month.

§ 954.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if, within such three year period, the market administrator notifies the handler in writing that the retention of such books and records, or if specified books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 954.40 *Basis of classification.* All skim milk and butterfat required to be reported pursuant to § 954.30 (a) shall be classified by the market administrator pursuant to the provisions of §§ 954.41 through 954.46.

§ 954.41 *Classes of utilization.* The classes of utilization of milk shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat: (1) Disposed of from the plant in the form of milk, (including concentrated milk), skim milk, fortified skim milk, buttermilk, flavored milk, flavored milk drink, cream, any mixture of cream and milk or skim milk containing less than the legal minimum butterfat requirement for cream (except sterilized products packaged in hermetically sealed containers, eggnog, ice cream mix and aerated products), except those specified pursuant to paragraph (b) (3) of this section, and (2) not specifically accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk (1) used to produce any product other than one specified in paragraph (a) of this section; (2) contained in inventory of Class I milk items on hand at the end of the month; (3) disposed of as skim milk and used for livestock feed; (4) in actual shrinkage of producer milk computed pursuant to § 954.42 but not in excess of 2 percent of the quantities of skim milk and butterfat, respectively, in producer milk; and (5) in actual shrinkage of other source milk computed pursuant to § 954.42.

§ 954.42 *Shrinkage.* The market administrator shall allocate shrinkage at the handler's pool plant(s) as follows:

(a) Compute the total shrinkage of skim milk and butterfat respectively at such plant(s); and

(b) Prorate the resulting amounts between receipts of skim milk and butterfat, respectively, in producer milk and in other source milk received in the form of a Class I milk item.

§ 954.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat received by a handler shall be Class I milk unless the handler who first received such skim milk and butterfat proves to the market administrator that it should be classified otherwise; and

(b) Any skim milk and butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 954.44 *Interplant movements.* Skim milk and butterfat transferred by a handler from a pool plant in any of the forms specified in § 954.41 (a) to a pool plant or a nonpool plant shall be classified as provided in paragraphs (a), (b), and (c) of this section.

(a) As Class I milk if transferred to another pool plant unless utilization in Class II milk is mutually indicated to the market administrator in the reports submitted for both such plants for the month in which such transfer occurred, but in no event shall the amount classified in either class exceed the total use in such class at the transferee plant: *Provided,* That if other source milk has been received at either or both plants, the milk so transferred shall be classified at both plants so as to return the higher class utilization to producer;

(b) As Class II milk if transferred in bulk to a nonpool plant, except as provied in paragraph (c) (2) and (3) of this section: *Provided,* That (1) the handler claims the transfer as Class II milk on his report of receipts and utilization submitted on the handler report of the month in which the transfer was made; (2) records are maintained for the nonpool plant which show the receipts and utilization of all skim milk and butterfat at such plant, including the transferred quantities, and such records are made available to the market administrator for purposes of verification; and (3) there had been actually utilized in such nonpool plant not less than an equivalent amount of skim milk and butterfat (i) in frozen cream for storage in such plant or at a public cold storage warehouse, or (ii) to produce a milk product included in Class II milk: *Provided,* That if verification of such records does not disclose that an equivalent amount of skim milk and butterfat had been used in such products of Class II milk, the balance of skim milk and butterfat so transferred shall be classified as Class I milk;

(c) As Class I milk if transferred to a nonpool plant: (1) In consumer packages; (2) in bulk as any such item of § 954.41 (a), except cream, and such plant is located more than 250 miles from the court house in Duluth, Minnesota; or (3) in bulk as cream and such plant is located as described in subparagraph (2) of this paragraph and is a plant from which milk is disposed of in fluid form on routes: *Provided,* That this subparagraph shall not apply in the case of bulk cream transferred to any plant subject to another marketing agreement or order issued pursuant to the act, if such cream is allocated thereunder in the transferee-plant to a class of utilization other than Class I milk as defined in such other marketing agreement or order.

§ 954.45 *Computation of milk in each class.* For each month the market administrator shall correct mathematical and other obvious errors in the monthly report submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for each handler: *Provided,* That when nonfat milk solids derived from nonfat dry milk, condensed skim milk, and any other product condensed from milk or skim milk, are utilized by such handler either (a) to fortify (or as an additive to) fluid milk, flavored milk, skim milk, or any other milk product, or (b) for disposition in reconstituted form as skim milk or a milk drink, the total pounds of skim milk computed for the appropriate class of use shall reflect a volume equivalent to the skim milk used to produce such nonfat milk solids.

§ 954.46 *Allocation of skim milk and butterfat classified.* For each handler the market administrator shall determine the classification of milk received from producers in the following manner:

(a) Skim milk shall be allocated as follows:

(1) Subtract from the total pounds in Class II milk the pounds of skim milk assigned to producer milk pursuant to § 954.41 (b) (4);

(2) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk in other source milk: *Provided,* That if the pounds of skim milk in other source milk exceed the total pounds of skim milk classified as Class II milk, an

amount equal to the difference shall be subtracted from Class I milk: *Provided further,* That any other source milk subject to the Class I price provision of another marketing agreement or order issued pursuant to the act shall be allocated to Class I milk before any additional other source milk is so allocated;

(3) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk contained in inventory of Class I milk items on hand at the beginning of the month: *Provided,* That if the pounds of skim milk in such inventory exceed the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk remaining in Class I milk;

(4) Subtract from the remaining pounds of skim milk in each class, the pounds of skim milk contained in receipts from other pool plants, in accordance with its classification as determined pursuant to § 954.44 (a); and

(5) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph, and if the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class II milk. Any amount in excess of that in Class II milk shall be subtracted from Class I milk. The amounts so subtracted shall be called "overage";

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section; and

(c) Determine the weighted average butterfat content of the milk received from producers and allocated to Class I milk and Class II milk pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 954.50 *Class prices.* Subject to the provisions of §§ 954.51 and 954.52 the class prices per hundredweight of milk containing 3.5 percent butterfat shall be determined for each month as follows:

(a) *Class I milk.* The higher of the Class II price for the month or the average of the prices ascertained to have been paid during the preceding month at the following plants or places for which prices are reported to the market administrator by the listed companies or by the Department of Agriculture.

Borden Company, Mount Pleasant, Mich.
Carnation Company, Sparta, Mich.
Pet Milk Company, Hudson, Mich.
Pet Milk Company, Wayland, Mich.
Pet Milk Company, Coopersville, Mich.
Borden Company, Orfordville, Wis.
Borden Company, New London, Wis.
Carnation Company, Richland Center, Wis.
Carnation Company, Oconomowoc, Wis.
Pet Milk Company, New Glarus, Wis.
Pet Milk Company, Belleville, Wis.
White House Milk Company, Manitowoc, Wis.
White House Milk Company, West Bend, Wis.

Plus $1.00 during the months of May, June, July, and August, and plus $1.15 during all other months.

(b) *Class II milk.* For each month the price which results from the following computation by the market administrator; (1) determine the simple average of the daily wholesale selling prices per pound of Grade A (92-score) bulk creamery butter as reported by the United States Department of Agriculture for the Chicago market during the period from the 25th day of the month second preceding through the 24th day of the month immediately preceding; (2) multiply by 3.5; (3) add 25 percent thereof; and (4) add an additional 7/10 cent for each 1/10 cent that the arithmetical average of the monthly averages of prices per pound, in bags, of spray and roller process extra grade nonfat dry milk, carlots, for human consumption, at Chicago, as published for the month by the Agricultural Marketing Service, United States Department of Agriculture, for the month second preceding is above 7 cents.

§ 954.51 *Butterfat differentials to handlers*—(a) *Class I milk.* If the average butterfat content of the milk disposed of as Class I milk by any handler is more or less than 3.5 percent, there shall be added to the Class I price computed pursuant to § 954.50 (a) for each one-tenth of 1 percent that the average butterfat content of such milk is above 3.5 percent, or subtracted for each one-tenth of 1 percent that the average butterfat content of such milk is below 3.5 percent, an amount computed by multiplying by 0.14 the simple average of the daily wholesale selling prices per pound of Grade A (92-score) bulk creamery butter as reported by the United States Department of Agriculture for the Chicago market during the period from the 25th day of the month preceding through the 24th day of the month immediately preceding.

(b) *Class II milk.* If the average butterfat content of the Class II milk disposed of by any handler is more or less than 3.5 percent there shall be added to the class price computed pursuant to § 954.50 (b) for each one-tenth of 1 percent that the average butterfat content of such milk is above 3.5 percent or subtracted for each one-tenth of 1 percent that the average butterfat content of such milk is below 3.5 percent, an amount computed by multiplying by 0.125 the simple average of the daily wholesale selling prices per pound of Grade A (92-score) bulk creamery butter as reported by the United States Department of Agriculture for the Chicago market during the period from the 25th day of the month second preceding such month through the 24th day of the month immediately preceding.

§ 954.52 *Equivalent price provision.* Whenever the provisions of this part require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining minimum class prices or for any other purpose and the specific price is not reported or published, the market administrator shall use a price determined by the Secretary to be equivalent to, or comparable with, the price specified.

§ 954.53 *Rate of compensatory payment on unpriced milk.* The rate of compensatory payment per hundredweight shall be calculated by subtracting the Class II milk price for the month adjusted by the Class II butterfat differential, from the Class I milk price for the month adjusted by the Class I butterfat differential.

APPLICATION OF PROVISIONS

§ 954.60 *Producer handlers.* Sections 954.40 through 954.46, 954.50 through 954.61, 954.70 and 954.71, and 954.80 through 954.89 shall not apply to a producer handler.

§ 954.61 *Handlers operating nonpool plants.* Each handler who is the operator of a nonpool plant which is not subject to the classification and pricing provisions of another order issued pursuant to the act, shall pay, on or before the 15th day after the end of each month, to the market administrator for deposit into the producer-settlement fund an amount resulting from the computation of paragraph (a) or (b) of this section, whichever is less:

(a) Multiply the total hundredweight of butterfat and skim milk disposed of in the form of Class I items from such nonpool plant to retail or wholesale outlets (including deliveries by vendors and sales through plant stores) in the marketing area during the month, by the rate of the compensatory payment calculated pursuant to § 954.53, or,

(b) An amount determined as the value of milk to be paid producers if such handler operated a pool plant less the gross payments made by such handler to farmers delivering Grade A milk for the month.

DETERMINATION OF UNIFORM PRICE

§ 954.70 *Computation of the value of producer milk for each handler.* For each month, the market administrator shall compute the value of producer milk for each handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 954.46 by the applicable class price, and total the resulting amounts;

(b) Add an amount computed by multiplying the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 954.46 (a) (2) and (b) by the rate of compensatory payment as determined pursuant to § 954.54: *Provided,* That this paragraph shall not apply for any month in which the total receipts of producer milk at all pool plants do not exceed 105 percent of Class I milk;

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 954.46 (a) (5) and (b) by the applicable class price;

(d) Add the amount computed by multiplying the difference between the appropriate Class II price and the Class I price for the month by the hundred-

weight of skim milk and butterfat remaining in Class I milk after the calculations pursuant to § 954.46 (a) (4) and (b) for the preceding month or the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 954.46 (a) (3) and (b) for the current month whichever is less, respectively.

§ 954.71 *Computation of uniform price.* For each month the market administrator shall compute the uniform price per hundredweight of milk in the following manner;

(a) Combine in one total the respective values of milk, computed pursuant to § 954.70 for each handler who made the reports for such month as prescribed pursuant to § 954.30 and the payments prescribed by § 954.80.

(b) Substract, if the average butterfat content of the milk included in these computations is greater than 3.5 percent or add if such average butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 954.81 and multiplying the resulting amount by the total hundredweight of milk included in these computations.

(c) Add an amount equal to the sum of the deductions to be made from producer payments for location differentials pursuant to § 954.82.

(d) Subtract from such sum an amount representing the value of all milk received by handlers from new producers, computed at the Class II price.

(e) Add an amount representing the unobligated cash balance in the producer-settlement fund exclusive of the amount retained in such fund pursuant to paragraph (f) of this section.

(f) For each of the months of May, June, and July, subtract 8 percent of the resulting sum.

(g) For each of the months of October, November, and December, add one-third of the aggregate amount subtracted pursuant to paragraph (f) of this section for May, June and July.

(h) Divide the resulting amount by the total hundredweight of milk of producers, not including new producers, received by handlers whose reports are included in this computation.

(i) Subtract not less than 4 cents nor more than 5 cents per hundredweight to provide a reserve against errors in reports and payments and delinquencies in payments by handlers. This result shall be known as the uniform price for milk containing 3.5 percent butterfat.

PAYMENTS

§ 954.80 *Time and method of payment.* On or before the 20th day after the end of each month, each handler shall make payments as follows:

(a) To each producer from whom milk was received during the month at not less than the uniform price per hundredweight computed pursuant to § 954.71 adjusted by the butterfat differential computed pursuant to § 954.81 and location differentials pursuant to § 954.82.

(b) To each new producer from whom milk was received during the month at not less than the Class II price adjusted by the Butterfat differential computed pursuant to § 954.81.

(c) No handler, who has not received on the 20th day after the end of each month the balance of the payments due him from the market administrator, shall be deemed to be in violation of § 954.80 if he reduces his payments to producers and new producers by not more than the amount of the reduction in payment from the producer-settlement fund.

§ 954.81 *Butterfat differential to producers.* If any handler has received from any producer or new producer milk having an average butterfat content other than 3.5 percent, in making payments pursuant to § 954.80 there shall be added to the applicable price for each one-tenth of 1 percent that the average butterfat content of such milk is above 3.5 percent or subtracted for each one-tenth of 1 percent that the average butterfat content of such milk is below 3.5 percent an amount equal to the butterfat differential computed pursuant to § 954.51 (b).

§ 954.82 *Location differential to producers.* In making payments pursuant to § 954.80 (a) for milk received at a pool plant, each handler shall deduct from the applicable price payable to such producers the amount indicated below for the distance that such pool plant is located from the Court House in Duluth, Minnesota: *Provided,* That such reduction shall not be applicable to milk received at a pool plant in St. Louis County or in International Falls, Minnesota. Such deduction shall be based on the highway mileage as computed by the market administrator.

Location of Plant and Amount of Deduction

Miles:	*Cents*
0 to 60	0
60 to 70	16
70 or over	[1] 17

[1] Plus an additional 1 cent for each 10 miles or fraction thereof in excess of 80 miles.

§ 954.83 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 954.61, 954.84 and 954.86, and out of which he shall make payments to handlers pursuant to §§ 954.85 and 954.86: *Provided,* That any payments due to any handler shall be offset by any payments due from such handler.

§ 954.84 *Payments to the producer-settlement fund.* On or before the 15th day after the end of each month, each handler shall pay to the market administrator the amount by which the value of the milk received by him from producers and new producers during the month as computed pursuant to § 954.70 is greater than the amount owed by him for such milk at the appropriate uniform price adjusted by the producer butterfat and location differentials.

§ 954.85 *Payment out of the producer-settlement fund.* On or before the 17th day after the end of each month the market administrator shall pay to each handler for payment to producers and new producers the amount, if any, by which the total value of milk received from producers and new producers by such handler as computed pursuant to § 954.80 is less than the amount owed by him for such milk at the appropriate uniform price adjusted by the producer butterfat and location differentials. If at such time the balance in the producer-settlement fund, exclusive of the amount retained there pursuant to § 954.71 (b) is insufficient to make all payments required by this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 954.86 *Adjustments of errors in payments.* Whenever verification by the market administrator of reports or payments of any handler discloses errors made in payments to the producer-settlement fund pursuant to § 954.84, the market administrator shall promptly bill such handler for any unpaid amount and such handler, within 5 days after billing, shall make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler pursuant to § 954.85, the market administrator shall make payment to such handler within 5 days. Whenever verification of the payment by a handler for milk received from producers or new producers discloses payment of less than is required by this section, the handler shall make up such payment to the producer or new producer not later than the time of making payments to producers and new producers next following such disclosure.

§ 954.87 *Marketing services*—(a) *Deductions.* Except as set forth in paragraph (b) of this section, each handler, in making payments to producers and new producers pursuant to § 954.80, with respect to all milk received from each producer and new producer at a plant not operated by a cooperative association qualified under paragraph (b) of this section of which such producer or new producer is a member, shall deduct an amount not exceeding 3 cents per hundredweight (the exact amount to be determined by the market administrator subject to review by the Secretary) from the payments made direct to such producers and new producers, and such handlers shall pay such deductions to the market administrator on or before the 15th day after the end of such month. Such moneys shall be expended by the market administrator for market information to and for verification of weights, sampling and testing of milk received from such producers and new producers.

(b) *Deductions with respect to members of a cooperative association.* In the case of milk of producers, who are members of a cooperative association which is actually performing the services described in paragraph (a) of this section, which is received at a plant not operated by such cooperative association, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the

payments to be made direct to such producers pursuant to § 954.80, as are authorized by such producers and, on or before the 15th day after the end of such month, pay on such deductions to such cooperative association.

§ 954.88 *Expense of administration.* As his pro rata share of the expense of the administration hereof, each handler shall pay to the market administrator, on or before the 15th day after the end of each month an amount not exceeding 4 cents per hundredweight with respect to all milk received by him during such month from producers including milk of such handler's own production, and including milk received from dairy farmers pursuant to § 954.61, the exact amount to be determined by the market administrator: *Provided,* That each cooperative association which is a handler shall pay to the market administrator such pro rata share of expense of administration on only that milk of producers which is received at a plant operated by such association.

§ 954.89 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before August 1, 1949, under section 8c (15) (A) of the Act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this part, shall except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator received the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the two-year period with respect to such obligation shall not begin to run until the first day of the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or wilful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed unless such handler within the applicable period of time, files pursuant to section 8c (15) (A) of the act a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 954.90 *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 954.91.

§ 954.91 *Suspension or termination.* The Secretary may suspend or terminate this part or any provision hereof whenever he finds this part or any provision hereof obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 954.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations hereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 954.93 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 954.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

Proposal No. 2: Give consideration to revision of the pool (uniform price) computation provisions to provide for "individual-handler" pools in lieu of the marketwide pool.

Proposed by certain dairy farmers of South-St. Louis and Aitkin Counties:

Proposal No. 3: Enlarge the present marketing area so as to include all of Carlton, St. Louis and Lake counties and the cities and villages of International Falls, Grand Rapids, Deer River, Bovey, Coleraine, Taconite, Marble, Calumet, Pengilly, Nashwauk and Keewatin, all in the State of Minnesota; and Douglas county, in the State of Wisconsin.

Proposal No. 4: Redefine the term "handler" to mean a person who sells not less than one-fourth or one-fifth of his total Grade A milk supply as Class I milk in the marketing area.

Proposal No. 5: Redefine Class I milk to include ice cream and cottage cheese.

Proposal No. 6: Amend the pool (uniform price) computation provisions to provide for "individual-handler" pools in lieu of the marketwide pool.

Proposed by the Twin Ports Cooperative Dairy Association:

Proposal No. 7: Amend § 954.1 to read as follows:

§ 954.1 *Duluth-Superior marketing area.* "Duluth-Superior marketing area" hereinafter called "marketing area", means the counties of Ashland, Bayfield, Douglas, and Iron, in the State of Wisconsin; the city of Duluth, village of Floodwood, townships of Lavell, Ellsburg, Cedar Valley, Tiovola, Kelsey, Cotton, Elmer, Meadowlands, Northland, Duluth, Gnesen, Van Buren, Alborn, New Independence, Fredenberg, Normanna, Floodwood, Halden, Culver, Grand Lake, Industrial, Canosia, Rice Lake, Lakewood, Prairie Lake, Arrowhead, Fine Lakes, Brevator, Solvay and Herman, in St. Louis County, and counties of Carlton, Lake and Cook, in the State of Minnesota.

Proposal No. 8: Amend § 954.41 *Classes of utilization.* The classes of utilization shall be amended as follows:

(1) By adding "or a Class III product" at the end of paragraph (a).

(2) By amending paragraph (b) and adding paragraph (c) to read as follows:

(b) Class II milk shall be all skim milk and butterfat used to produce ice cream and cottage cheese,

(c) Class III milk shall be all skim milk and butterfat used to produce a milk product other than those specified in Class I milk and Class II milk and actual plant shrinkage up to 2 percent of total receipts of skim milk and butterfat: *Provided,* That plant shrinkage established with respect to skim milk or butterfat in milk received by a handler from producers and new producers shall be the proportion of the total plant shrinkage determined by applying to total plant shrinkage of skim milk or butterfat the percentage which the skim milk or butterfat in milk received from producers and new producers bears to

the total quantity of skim milk or butterfat received.

Proposal No. 9: Amend § 954.4 by adding paragraph (a) to read as follows:

(a) Producer-handler is one who qualifies as a handler and who receives no milk from any source other than his own farm production: *Provided,* That if a handler loses his producer-handler status during one or more months of the year as result of obtaining milk from a source other than his own farm production that he loses his status for the next 12 months.

Proposal No. 10: Add to § 954.50 new paragraph (c):

(c) *Class III milk.* The price per hundredweight for Class III milk shall be that computed from the following formula:

(1) Multiply by 4.24 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture during the delivery period.

(2) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period, by the United States Department of Agriculture; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 75 cents, and adjust to the nearest one-tenth of a cent.

Proposal No. 11: (a) Change the Class I butterfat differential factor from "1.40" to "1.30".

(b) Change the Class II butterfat differential factor from "1.25" to "1.15".

(c) The Class III butterfat differential shall be the same as the Class II butterfat differential.

(d) The factor to be used in computing the butterfat differential to producers should be changed from "1.25" to "1.20".

Proposed by the Russell Creamery Company:

Proposal No. 12: Redefine a pool plant to include certain standards of qualification based upon a minimum percentage of its supply that a plant must dispose of as Class I milk and a minimum percentage of its Class I milk which must be disposed of in the marketing area.

Proposal No. 13: Include a definition of "pool supply plant" based upon a minimum percentage of milk shipped to market as a basis of qualification for pooling.

Proposal No. 14: Extend the marketing area to include all of Douglas and Sawyer Counties, Wisconsin.

Proposal No. 15: Include a definition of "producer-handler" which will provide that a handler who is also a producer shall not be exempt from regulation as a "handler" unless he produces all his own milk, buys none from other producers, and does not have more than a limited amount of his own milk per month.

Proposal No. 16: Review the provisions (§ 954.62) for compensatory payments as they apply to both milk from unregulated and other regulated markets.

Proposal No. 17: Review the level of the Class I price.

Proposed by Fairmont Foods Company:

Proposal No. 18: Include the following provision in the order:

§ 954.— *Handlers subject to other Federal orders.* In the case of a handler whose plant is fully regulated by another milk marketing order issued pursuant to the act, the provisions of this part shall not apply except that such handler with respect to his total receipts and utilization of skim milk and butterfat, shall make reports to the market administrator at such time and in such manner as the market administrator may require, and shall allow the market administrator to verify such reports.

Renumber the sections in Order No. 54 to include the above amendment and to make other changes in the present order so that it will conform in detail with such proposed amendment.

Proposed by the Lakehead Milk Producers Association of Ashland, Wisconsin:

Proposal No. 19: Delete the provisions which provide for a marketwide uniform price computation and substituted therefor provisions for "individual-handler pools".

Proposal No. 20: Extend the marketing area to include Douglas, Bayfield and Ashland counties, in the State of Wisconsin.

Proposal No. 21: Discontinue the "Louisville Plan" for distributing producer returns and provide for uniform payment to producers each month of the year.

Proposed by the St. Louis County Club and Farm Bureau Association:

Proposal No. 22: Redefine the term "producer" to include only persons producing milk of "Grade A" quality.

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 23: Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 407 Federal Building, Duluth, Minnesota, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 21st day of January 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 58-566; Filed, Jan. 23, 1958; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 12054; FCC 58-52]

TELEVISION BROADCAST STATIONS, COLUMBUS, GA.; TABLE OF ASSIGNMENTS

NOTICE OF FURTHER PROPOSED RULE MAKING AND ORDERS TO SHOW CAUSE

In the matter of amendment of § 3.606 *Table of assignments,* Television Broadcast Stations, Columbus, Georgia.

1. On June 17, 1957, the Commission issued a notice of proposed rule making in the above-entitled matter inviting comments from interested parties on a proposal to substitute a UHF channel for Channel 4 in Columbus, Georgia. Comments were due on August 15, 1957, and reply comments on September 24, 1957.

2. In a comment filed on August 15, 1957, Martin Theatres of Georgia, Inc., licensee of Station WTVM, operating on Channel 28 in Columbus, supported the proposal to delete Channel 4 from Columbus. In addition, however, WTVM advanced as an alternative a counterproposal to add a second VHF channel to Columbus, as follows:

City	Channel No.	
	Present	Proposed
Columbus, Ga.	4, 28, *34	3, 9+, *34
Dothan, Ala.	9+, 19—	4, 19—

This counterproposal would require Station WRBL–TV in Columbus to operate on Channel 3 or 9 instead of Channel 4, Station WTVM in Columbus to operate on the other VHF channel in the city (either Channel 3 or Channel 9), and would necessitate a shift from Channel 9 to Channel 4 by Station WTVY in Dothan. Further, WRBL–TV would have to select a new transmitter site to meet the Commission's minimum assignment and station separation requirements. Channel 3 may be assigned in an area bounded by 190 mile arcs from Stations WRGP–TV, Chattanooga, Tennessee, WSAV–TV, Savannah, Georgia, and WEAR–TV, Pensacola, Florida, and that portion of the Zone III line which lies to the southeast of Columbus, Georgia. Channel 9 may be assigned in an area bounded by a 190 mile arc from Station WRDM–TV, Chattanooga, Tennessee, a 220 mile arc from Station WDAM–TV, Hattiesburg, Mississippi, and a 60 mile arc from Station WALB–TV, Albany, Georgia.

3. In a reply comment filed on September 24, 1957, Columbus Broadcasting Company, Inc., licensee of Station WRBL–TV, opposed any change in the present Columbus channel assignments.[1]

[1] In addition, WRBL–TV urged that if the Commission concludes that the two Columbus stations should be in the VHF band, this could be accomplished without disturbing WRBL–TV's present operation on Channel 4, and suggested a counterproposal to accomplish that end. The Commission is not, however, persuaded that rule making

4. The Commission is of the view that interested parties should be invited to file comments on the foregoing proposal before further action is taken in the subject proceeding.

5. The proposal, if adopted, would affect the outstanding authorizations of Stations WRBL–TV and WTVM in Columbus and WTVY in Dothan, Alabama. We are therefore directing the licensees of these stations to show cause why their authorizations should not be modified.

6. Authority for the adoption of the amendments proposed herein is contained in sections 1, 4 (i), and (j), 301, 303 (a), (b), (c), (d), (e), (f), (g), (h), and (r) and 307 (b) of the Communications Act of 1934, as amended, and section 4 of the Administrative Procedure Act.

7. Any interested party who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before February 21, 1958, a written statement or brief setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 15 days from the last day for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

8. Responses to the Show Cause Orders issued herein should be filed on or before February 21, 1958.

9. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, responses, or comments shall be furnished the Commission.

10. In view of the foregoing: *It is ordered,* That pursuant to sections 303 (f) and 316 of the Communications Act of 1934, as amended:

(a) Columbus Broadcasting Company, Inc., is ordered to show cause why its license for Station WRBL–TV on Channel 4 in Columbus should not be modified to specify operation on Channel 3 or Channel 9.

(b) Martin Theatres of Georgia, Inc., is ordered to show cause why its license for Station WTVM on Channel 28 in Columbus should not be modified to specify operation on Channel 3 or Channel 9.

(c) WTVY, Inc., is ordered to show cause why its authorization for Station WTVY on Channel 9 in Dothan, Alabama, should not be modified to specify operation on Channel 4.

Adopted: January 17, 1958.

Released: January 20, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58–559; Filed, Jan. 23, 1958; 8:49 a. m.]

should be instituted on the WRBL–TV counterproposal, an unusually complicated one involving channel shifts in six communities.

[47 CFR Part 3]

[Docket No. 11757; FCC 58M–66]

TELEVISION BROADCAST STATIONS, EVANSVILLE, IND. AND LOUISVILLE, KY.; TABLE OF ASSIGNMENTS

ORDER SCHEDULING FURTHER PREHEARING CONFERENCE

In the matters of amendment of § 3.606 *Table of assignments,* Television Broadcast Stations (Evansville, Indiana, and Louisville, Kentucky) and order directing Evansville Television, Inc. to show cause why its authorization for Station WTVW, Evansville, Indiana, should not be modified to specify operation on Channel 31 in lieu of Channel 7.

It is ordered, This 21st day of January 1958, that, at the request of counsel for certain parties to this proceeding, a further pre-hearing conference will be held on Thursday, January 23, 1958, beginning at 10:00 o'clock a. m., in the offices of the Commission, Washington, D. C.

Released: January 21, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58–560; Filed, Jan. 23, 1958; 8:49 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

[Bar Order SA–4]

CERTAIN BULGARIAN, HUNGARIAN, AND RUMANIAN DEBTORS

ORDER FIXING BAR DATE FOR FILING DEBT CLAIMS

In accordance with section 208 (b) of the International Claims Settlement Act of 1949, as amended, and by virtue of the authority vested in the Attorney General by said act and Executive Order No. 10644, July 1, 1958, is hereby fixed as the date after which the filing of debt claims shall be barred in respect of Bulgarian, Hungarian, and Rumanian debtors, any of whose property was first vested in or transferred to the Attorney General between July 1, 1957 and December 31, 1957, inclusive, and for which no earlier bar date has been fixed.

(Pub. Law 285, 84th Cong., 69 Stat. 252; E. O. 10644, Nov. 7, 1955, 20 F. R. 8363)

Executed at Washington, D. C., this 20th day of January 1958.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 58–555; Filed, Jan. 23, 1958; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Order 541, Amdt. 13]

LANDS AND RESOURCES

REDELEGATION OF AUTHORITY

JANUARY 17, 1958.

Part III-B is amended as follows:

1. The title shall read, "Redelegation to District Managers (District Grazing Offices)".

2. The words "range manager", wherever they appear in sections 3.0 to 3.9, inclusive, shall be changed to "district manager."

Part III-C is amended as follows:

1. The title shall read, "Redelegation to District Managers (District Forestry Offices)".

2. The words "district forester", wherever they appear in sections 3.0 to 3.9 inclusive, shall be changed to "district manager".

EDWARD WOOZLEY,
Director.

[F. R. Doc. 58–543; Filed, Jan. 23, 1958; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF PACIFIC WESTBOUND CONFERENCE

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 46 U. S. C. 814):

Agreement No. 57-69, between the member lines of the Pacific Westbound Conference, modifies the Appendix to the basic agreement of that conference (No. 57, as amended), to include Nagoya as a major port under Rule 10—Classification of Discharge Ports. Major ports presently named under such rule are Yokohama, Kobe, Osaka, Hong Kong and Manila.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: January 21, 1958.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 58–565; Filed, Jan. 23, 1958; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11978 etc.; FCC 58M-64]

CHARLES R. BRAMLETT ET AL.

ORDER CONTINUING HEARING CONFERENCE

In re applications of Charles R. Bramlett, Torrance, California, Docket No. 11978, File No. BP-9833; Latin-American Broadcasting Corporation, Monterey Park, California, Docket No. 11981, File No. BP-10811; Radio Orange County, Inc., Anaheim, California, Docket No. 12218, File No. BP-11236; Anaheim-Fullerton Broadcasting Co., Inc., Anaheim-Fullerton, California, Docket No. 12219, File No. BP-11242; for construction permits.

The Hearing Examiner having under consideration the necessity of continuing the date for hearing conference;

It appearing that a prehearing conference was held on December 11, 1957, from which there was a continuance for a further conference to be held January 22, 1958; and

It further appearing that it was the opinion of all parties and the Hearing Examiner that no useful purpose would be served by proceeding until action had been taken on certain pleadings to clarify and enlarge the issues; and

It further appearing that these pleadings have not been disposed of at the present time;

It is ordered, This 20th day of January 1958, that the further hearing conference is continued from January 22 to March 4, 1958.

Released: January 21, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-561; Filed, Jan. 23, 1958; 8:49 a. m.]

[Docket Nos. 12203, 12205; FCC 58M-61]

HALL BROADCASTING CO., INC., AND RICHARD C. SIMONTON

ORDER FOLLOWING SECOND PRE-HEARING CONFERENCE (SCHEDULING HEARING)

In re applications of Hall Broadcasting Company, Inc., Los Angeles, California, Docket No. 12203, File No. BPH-2175; Richard C. Simonton, Los Angeles, California, Docket No. 12205, File No. BPH-2239; for construction permits FM Channel 274 (102.7 Mc).

1. Pursuant to an appropriate order of the Commission, a further pre-hearing conference in the above-entitled proceeding was held January 15, 1958. Counsel representing both applicants and the Chief, Broadcast Bureau were present and participated.

2. Pursuant to the order dated November 26, 1957, which reflected agreements reached at the first pre-hearing conference, certain exhibits to be offered in evidence in this proceeding have been exchanged. The exhibits which have been exchanged by the applicants contain biographical material showing the background and experience of certain persons employed and to be employed by each of the applicants in the operation of its proposed FM broadcast station. It was agreed that the verification by Mortimer W. Hall, president of Hall Broadcasting Company, Inc., of the accuracy of the biographical material of the present or proposed employees of this applicant and the verification by Richard C. Simonton of the accuracy of the biographical material of his present or proposed employees would be sufficient to warrant the receipt in evidence of such exhibits, it being understood that the accuracy of the biographical material offered by either party may be tested by the cross-examination of appropriate witnesses, and that it will not be necessary to require each present or proposed employee of either applicant to verify personally the biographical material relating to him.

3. In the exhibits which have been exchanged by each of the applicants, there are numerous laudatory, conclusitory and self-serving declarations or statements, some of which were discussed at the prehearing conference. It appears that many of these statements may be rephrased so as to state facts which, it is assumed, are within the knowledge of the principals of the applicants and which can be tested on cross-examination. To enable the Hearing Examiner to rule on the objections to such laudatory, conclusitory and self-serving declarations during the early stages of the evidentiary hearing, counsel for each of the applicants is requested to prepare an instrument listing the page, paragraph and line of the proposed exhibit to which objection will be taken and make such tabulation of objections available to the Hearing Examiner and the other parties on or before the start of the evidentiary hearing. This procedure, however, is to be used only with respect to the type of statements referred to above. Objections to offered exhibits which are predicated on materiality, relevance, accuracy, and for other substantive reasons are to be made orally on the record when the exhibits are offered in evidence.

4. It was agreed that if either applicant desires to show as part of its affirmative case any facts relating to its proposed studio, studio facilities or studio equipment, it may do so, but if it desires to do so, the exhibits reflecting such facilities or parts thereof will be exchanged with all parties to the proceeding on or before February 3, 1958. Neither applicant is required to show its proposals relating to such facilities but if it does, the other party may offer in evidence at the evidentiary hearing testimony and exhibits which are designed to respond to or be in rebuttal of the exhibit or exhibits of the other party which are received in evidence.

5. It was agreed that only those parts of the studio, studio facilities or studio equipment which are identified and discussed in the exhibits exchanged on February 3, 1958, and in the response to or rebuttal thereof, are to be considered of sufficient importance to warrant comparative consideration in this proceeding.

6. It was agreed that Hall Broadcasting Company, Inc., would make available for inspection by counsel for Richard C. Simonton the logs of Station KLAC for the period October 15 through October 21, 1957, and the logs of the composite weeks of 1956 and 1957. It was also agreed that Richard C. Simonton would endeavor to obtain and make available to counsel for Hall Broadcasting Company, Inc., the logs of Stations KRKD and KRKD-FM for the composite week of 1956, and that Richard C. Simonton would make available to counsel for Hall Broadcasting Company, Inc., certain parts of the contract between Richard C. Simonton and the Muzak Corporation, the type of information which need not be disclosed being identified in the transcript of the pre-hearing conference of January 15, 1958.

7. It was agreed that the evidentiary hearing would begin on Tuesday, February 25, 1958, and that Mortimer W. Hall and Richard C. Simonton would be present and available for cross-examination. It was agreed that every effort would be made to present such rebuttal testimony as may be deemed necessary within two weeks after the close of the hearing session which will begin on February 25, 1958. It is contemplated that each applicant will take the deposition of one or more witnesses.

It is ordered, This the 20th day of January 1958, that pursuant to the agreements reached at the pre-hearing conference on January 15, 1958, each applicant, as part of its affirmative case, may prepare and exchange exhibits reflecting all or part of its studio, studio facilities and studio equipment; that such exhibits are to be exchanged with the other parties on or before February 3, 1958; and that each applicant may reply to or rebut such exhibits by oral testimony or exhibits at the evidentiary hearing;

It is further ordered, That the evidentiary hearing in the above-entitled proceeding will begin on Tuesday, February 25, 1958, in the offices of the Commission, Washington 25, D. C.

Released: January 21, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-562; Filed, Jan. 23, 1958; 8:49 a. m.]

[Docket No. 12275; FCC 58M-63]

TRIANGLE PUBLICATIONS, INC. (WNHC-TV)

ORDER FOR PRE-HEARING CONFERENCE

In re application of Triangle Publications, Inc. (WNHC-TV), New Haven, Connecticut, Docket No. 12275, File No. BPCT-2381; for construction permit (Channel 8).

A pre-hearing conference in the above-entitled proceeding will be held on Tuesday, February 4, 1958, beginnig at 10:00 a. m. in the offices of the Commission, Washington 25, D. C. This conference is called pursuant to the provisions of § 1.813 of the Commission's rules now in effect and of § 1.111 of the

Commission's rules which become effective February 3, 1958. The matters to be considered at the pre-hearing conference are those specified in §§ 1.111 and 1.142 of the Commission's rules which will become effective February 3, 1958, together with such other matters as may be deemed necessary and appropriate.

It is so ordered, This the 20th day of January 1958.

Released: January 21, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 58-563; Filed, Jan. 23, 1958; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-13657]

UNITED GAS PIPE LINE CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JANUARY 20, 1958.

Take notice that United Gas Pipe Line Company (Applicant) a Delaware corporation with its principal place of business in Shreveport, Louisiana, filed on November 6, 1957, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act authorizing the continued operation of certain natural gas facilities, and the construction and operation of additional facilities for the purpose of transporting natural gas in interstate commerce and rendering a transportation service to Texas Eastern Transmission Corporation (Texas Eastern), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The Applicant proposes to utilize existing facilities consisting of an 8-inch and 10-inch line beginning at the Lone Star Producing Company's Gasoline Plant and extending to Milepost 10.5 on Applicant's 20-inch pipe line which extends from Carthage to Longview, Texas, all in Panola County, Texas. In addition thereto Applicant proposes to construct and operate (1) a tap valve on its existing 8-inch and 10-inch pipeline, as described, at its intersection with Texas Eastern's 20-inch pipe line and (2) a meter and control station at the intersection of its 8-inch and 10-inch line, as described and its 20-inch line extending from Carthage to Longview. The estimated capital cost of the proposed facilities to Applicant is $7,437, and will be defrayed from current funds; and will be reimbursed by Texas Eastern.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on February 25, 1958 at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 20, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-544; Filed, Jan. 23, 1958; 8:45 a. m.]

[Docket No. G-13983]

GULF OIL CORP.

ORDER FOR HEARING AND SUSPENDING PROPOSED CHANGES IN RATES

JANUARY 20, 1958.

In the Order for Hearing and Suspending Proposed Changes in Rates, issued December 20, 1957, and published in the FEDERAL REGISTER on December 28, 1957 (22 F. R. 10967-8), on page 1, line 8, the words "Supplement No. 4" should be corrected to read "Supplement No. 5".

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-545; Filed, Jan. 23, 1958; 8:45 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

DESIGNATION OF ACTING ASSISTANT COMMISSIONER FOR TECHNICAL STANDARDS AND SERVICES

The officers appointed to the following listed positions in the Urban Renewal Administration of the Housing and Home Finance Agency (excluding persons designated to serve in an acting capacity) are hereby designated to act in the place and stead of the Assistant Commissioner for Technical Standards and Services, with the title of "Acting Assistant Commissioner for Technical Standards and Services" and with all the powers, rights, and duties delegated or assigned to the said Assistant Commissioner, in the event the Assistant Commissioner is unable to act by reason of his absence, illness, or other cause, provided that no officer shall serve in such acting capacity unless all other officers whose titles precede his in this designation are unable to act by reason of absence, illness, or other cause:

1. Technical Standards Coordinator;
2. Director, Planning and Engineering Branch.

Acts consistent with this designation which were taken between July 1, 1957, and the effective date hereof are hereby ratified and confirmed as of the date each such act was taken.

(Reorg. Plan No. 3 of 1947, 61 Stat. 954; 62 Stat. 1283 (1948), as amended, 12 U. S. C., 1952 ed. 1701c; 63 Stat. 440 (1949), 12 U. S. C., 1952 ed. 1701d-1)

Effective as of the 24th day of January 1958.

WALKER MASON,
Acting Housing and Home Finance Administrator.

[F. R. Doc. 58-564; Filed, Jan. 23, 1958; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 21, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40), and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34421: *Proportional commodity rates via Seatrain Lines.* Filed by Seatrain Lines, Inc. (No. 6) for interested rail carriers. Rates on various commodities moving on proportional commodity rates, loaded in railroad cars, carloads between Edgewater, N. J., on the one hand, and New Orleans (Belle Chasse), La., Texas City, Tex., on the other, on traffic originating at or destined to points beyond the named ports.

Grounds for relief: Competition with rail carriers.

FSA No. 34422: *Methanol—South Point, Ohio to Carteret and Newark, N. J.* Filed by O. E. Schultz, Agent (ER No. 2420), for interested rail carriers. Rates on methanol (methyl alcohol), tank-car loads from South Point, Ohio to Carteret and Newark, N. J.

Grounds for relief: Barge competition.

Tariff: Supplement 261 to Agent Hinsch's tariff I. C. C. 4542.

FSA No. 34423: *Starch or dextrine—Illinois Territory to Burnside, La.* Filed by R. G. Raasch, Agent (No. 641), for interested rail carriers. Rates on starch or dextrine, carloads from specified points in Illinois, Indiana, Iowa and Missouri, as described in the application to Burnside, La., on the Illinois Central Railroad.

Grounds for relief: Competition with import tapioca and sago flour at destination.

Tariffs: Supplement 120 to Agent Raasch's tariff I. C. C. 776. Supplement 84 to Agent Spaninger's tariff I. C. C. 1548.

FSA No. 34424: *Vegetable oils and related products between southwest, northwest, and between southwest and northwest.* Filed by F. C. Kratzmeir, Agent

(SWFB No. B-7185), for interested rail carriers. Rates on vegetable oils and related articles, liquid or solid, also oil foots or sediments, carloads between points in southwestern territory, between points in western trunk-line territory, and between points in southwestern and western trunk-line territories.

Grounds for relief: Modified short-line distance scales. Truck competition.

Tariffs: Agent Kratzmeir's tariff I. C. C. 4275. Supplement 13 to Agent Prueter's tariff I. C. C. A-4206.

FSA No. 34425: *Starch—St. Louis, Mo., group to South Atlantic ports.* Filed by O. W. South, Jr., Agent (SFA No. A3592), for interested rail carriers. Rates on starch, liquid, tank-car loads, and in bulk in packages, carloads from St. Louis, Mo., and East St. Louis, Ill., to Charleston and Georgetown, S. C., Fernandina, Jacksonville, Miami, Port St. Joe, South Jacksonville, Fla., Port Wentworth, St. Marys, and Savannah, Ga.

Grounds for relief: Market competition and analogous starches.

Tariff: Supplement 85 to Agent Spaninger's tariff I. C. C. 1548.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58-553; Filed, Jan. 23, 1958; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-132]

NEW YORK DOCK CO.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

JANUARY 20, 1958.

In the matter of New York Dock Company, common stock; File No. 1-132.

New York Stock Exchange has made application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, to strike the above named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

In the opinion of the Exchange, the Company does not meet its requirements for continued listing in that the stock is held by less than 250 holders of record. The Company has advised the Exchange that the holders of record numbered 187 as of December 11, 1957. Dealings were suspended by the Exchange before the opening of the trading session on December 30, 1957.

Upon receipt of a request, on or before February 5, 1958, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 58-546; Filed, Jan. 23, 1958; 8:45 a. m.]

[File No. 1-1881]

FIDELITY AND DEPOSIT COMPANY OF MARYLAND

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

JANUARY 20, 1958.

In the matter of Fidelity and Deposit Company of Maryland, common stock; File No. 1-1881.

Philadelphia-Baltimore Stock Exchange has made application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, to strike the above named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

This application is made by the Exchange upon request of the issuer, based upon the relatively small trading volume on said Exchange.

Upon receipt of a request, on or before February 5, 1958, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 58-547; Filed, Jan. 23, 1958; 8:46 a. m.]

[File No. 1-3748]

SECURITY STORAGE COMPANY OF WASHINGTON

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

JANUARY 20, 1958.

In the Matter of Security Storage Company of Washington, capital stock; File No. 1-3748.

Philadelphia-Baltimore Stock Exchange has made application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, to strike the above named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

This application is made by the Exchange upon request of the issuer, based upon the relatively small trading volume on said Exchange.

Upon receipt of a request, on or before February 5, 1958, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 58-548; Filed, Jan. 23, 1958; 8:46 a. m.]